

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 6, 2010. Claims 17-37 are pending in this Application. Claims 17-37 were rejected. Claims 17, 19, 21, 23, 33, 34, and 36 have been amended. Claims 18, 20, 35, and 37 are herein cancelled without prejudice or disclaimer. Claims 1-16 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### Claims 17, 19, 21-32

Claims 17, 19, and 24-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,330,542 issued to Timo Kauhanen et al ("*Kauhanen*"). Claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kauhanen* in view of U.S. Patent Application No. 2004/0204073 filed by John Anthony Yanosy ("*Yanosy*"). Applicants respectfully traverse and submit the proposed combination of *Kauhanen* and *Yanosy*, even if proper, which Applicants do not concede, do not teach all of the elements of the claimed embodiment of the invention, nor does it render the claimed embodiment of the invention obvious.

In the Final Office Action, the Examiner concludes that *Kauhanen* discloses a resulting profile information object that specifies process capabilities of the terminal and the connection component. (Final Office Action, page 7, para. 20.) Applicant respectfully disagrees. Specifically, the Examiner has equated *Kauhanen*'s multimedia session composition with the recited "process capabilities of . . . said connection component." (Final Office Action, page 7, para. 20.) However, there is no evidence that the "multimedia session composition" in *Kauhanen* specifies any "process capabilities of . . . [a] connection component" that is located between the terminal and the data supply component as required by the claim.<sup>1</sup> Rather, *Kauhanen* is clear that the "multimedia session composition" pertains solely to the capability of the user's device:

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<sup>1</sup> The preamble of Claim 17 recites "transmitting user data objects from a data supply component to a terminal of a user, via a connection component," which necessarily means that the connection component is between the terminal and the data supply component.

This negotiation principle is also used for negotiating the composition of a multimedia session, i.e., the media components required for the multimedia connection. To achieve this, a corresponding user capability information is set in a user capability information of an outband signaling message such as the setup message, so that the media components can be in negotiated via the outband control channel.

(*Kauhanen* at 6:61-67 (emphasis added).)

In other words, just like the “initial call control or call setup negotiation” that occurs between the user’s terminal and the called terminal (*see Kauhanen* at 6:51-60), the user’s terminal and the called terminal may negotiate their respective multimedia capabilities and “agree” on using media components corresponding to these capabilities. (*See also Kauhanen* at 8:52-55 (examples of media components include “audio and video codecs and the like”).) However, the user’s terminal and the called terminal—as their names suggest—exist at opposite ends of *Kauhanen*’s connection; the negotiation simply does not consider the “process capabilities of . . . [a] connection component” located between the user terminal and the data supply component (e.g., the called terminal) as required by the claim language.

To be sure, *Kauhanen* discloses that the terminals negotiate a set of processing capabilities that are supported by both terminals. (*Kauhanen* at 10:18-11:19.) This negotiation is facilitated by the Media Gateway Control Function (MGCF) according to the following description. First, the calling IP terminal (PS)<sup>2</sup> transmits a setup request that includes requested multimedia components SDP(A). (*Kauhanen* at 10:45-50.) It is clear that these requested components refer to “the media components and formats that the caller is willing to receive.” (*Kauhanen* at 10:34-39.) The MGCF, acting as a bridge between the packet-switched (PS) and circuit-switched (CS) domains (*see Kauhanen* at 6:19-21), then forwards the setup request to the called terminal (after converting the message into a format appropriate for the circuit-switched domain). (*Kauhanen* at 10:52-56.) At the called terminal’s end (CS),<sup>3</sup> “[t]he received desired media components . . . are compared to the supported media components B and a . . . subset of the requested media components” is indicated. (*Kauhanen* at 10:56-63.) Thus, the media components indicated by the called

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<sup>2</sup> *Kauhanen* uses “PS” because the user/calling terminal exists in the Packet-Switched domain (*see Kauhanen* at 1:64-2:2).

<sup>3</sup> *Kauhanen* uses “CS” because the called terminal exists in the Circuit-Switched domain (*see Kauhanen* at 1:40).

terminal are “the media components [the called terminal] is willing to receive.” (*Kauhanen* at 10:39-41.)

*Kauhanen* is clear, therefore, that the multimedia session composition does not have anything to do with “process capabilities of . . . [a] connection component” located between the two terminals, as required by Claim 17. Indeed, *Kauhanen* states that, as a result of the above-described transaction, the multimedia session composition consists entirely of “an intersection of offered and accepted media components.” (*Kauhanen* at 11:14-19.) As just discussed, the “offered” media components are those that the calling terminal (PS) is willing to accept, and the “accepted” media components are those that the called terminal (CS) can support. Neither has anything to do with processing capabilities of components that exist between the calling/called terminals. Rather, as *Kauhanen* makes clear, the MGCF (which is located between the terminals) simply translates the format of the request so that the signalling makes sense when it crosses the PS-CS domains. (*Kauhanen* at 6:19-21.) The MGCF does not add any information to the request indicating its own processing capabilities. Because of this, *Kauhanen* cannot disclose “the resulting profile information object specifying process capabilities of the terminal and the connection component,” as recited in Claim 17.

Nevertheless, in order to provide further distinction over the cited art, Claim 17 has been re-written to include the features of independent Claims 18 and 20. In addition, the claim limitations have been amended to clarify that “the terminal provid[es] a first sub-profile information object . . .” Applicants submit that this amendment is supported by the application as filed, and in particular by paragraph [0016] of the published specification.

The additional limitations in amended Claim 17 further clarify the point discussed above, i.e., that *Kauhanen* does not disclose “the resulting profile information object specifying processing capabilities of . . . the connection component.” Specifically, amended Claim 17 now recites “providing a second item of profile information that specifies at least one conversion capability by the connection component” and “creating a resulting profile information object based on all transmitted profile information at the data supply component, the resulting profile information object specifying process capabilities of the terminal and the connection component.” Thus, a conversion capability of the connection component is

specified by the second item of profile information; this second profile information is then included in the resulting profile information object. As discussed above, *Kauhanen* fails to disclose that any processing capabilities of a connection component are part of the resulting profile information object.

In the Office Action, the Examiner concludes that, with respect to previous Claim 18 (which limitations are now added to Claim 17) *Kauhanen* discloses “a second item of profile information . . . which specifies at least one conversion capability by the connection component.” (Office Action, Page 3 ¶ 6.) However, each of the cited passages deals solely with the multimedia capabilities of a terminal—none relate to capabilities of a connection component. (See *Kauhanen* at fig.4; 3:46-55; 9:62-10:12; 10:45-11:3.)

To the extent the Examiner would rely on the MGCF’s translation capability as disclosing the recited “processing capability of . . . [a] connection component,” Applicants submit that such reliance would be misplaced. Although the MGCF can itself convert signals between the CS and PS domains, *Kauhanen* does not disclose that any of the MGCF’s capabilities (conversion or otherwise) are transmitted to either of the terminals. Rather, the MGCF acts as a mere signal translator between the CS-PS domains. Thus, the MGCF does not “provid[e] a second item of profile information that specifies at least one conversion capability by the connection component” and “creat[e] a resulting profile information object based on all transmitted profile information at the data supply component, the resulting profile information object specifying process capabilities of the terminal and the connection component,” as recited in amended Claim 17.

*Yanosy* similarly fails to disclose “providing a second item of profile information that specifies at least one conversion capability by the connection component,” “the connection component supplementing the first sub-profile information object with the second item of profile information,” and “creating a resulting profile information object based on all provided profile information at the data supply component, the resulting profile information object specifying process capabilities of the terminal and the connection component,” as recited in amended Claim 17. In the Office Action, the Examiner concludes that *Yanosy*’s “edit profile” is a second profile/sub-profile information object as recited. (Office Action, Page 6 ¶ 19.) Applicants respectfully disagree. *Yanosy* discloses that a shared resource list is

transmitted from the knowledge base (126) to the mobile device (10). (*Yanosy* at [0044], fig.15.) The mobile device user then chooses the shared resources he wishes to use and indicates this information in the edit profile. (*Yanosy* at [0044].) As discussed in detail below, the *Yanosy* “edit profile” is not the same as the recited second profile/sub-profile information object, and *Yanosy* fails to disclose other features of Applicants’ claims.

First, the Examiner has failed to provide a “clear articulation of the reason(s) why the claimed invention would have been obvious,” as required by Section 2142 of the Manual of Patent Examination Procedure (“MPEP”). The Examiner states only that “*Yanosy* discloses the first sub-profile information object by the second profile information to form a second sub-profile information object (105, 106, fig. 6; 1408, fig. 15, “edit profile”; page 1, 0025; page 4, 0044).” (Office Action, Page 6.) Beyond this conclusory statement, the Examiner does not provide any explanation of *Yanosy* or how the features/structure in *Yanosy* relate to the recited limitation. Applicants remind the Examiner that, as explained in MPEP § 2142, “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Applicants submit that the Examiner has failed to provide any reasoning and/or explanation that would satisfy the requirements under MPEP §§ 2142-43 for establishing a *prima facie* case of obviousness.

Further, the Examiner appears to have overlooked an important aspect of the limitation, namely that the connection component supplements the first sub-profile information object with the second item of profile information to form the second sub-profile information object.<sup>4</sup> This feature is important because amended Claim 17 recites three different components (a data supply component, a connection component, and a terminal),

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<sup>4</sup> At the time of the Office Action, Claim 20 recited “supplementing, via the connection component, the first sub-profile information object by the second profile information to form a second sub-profile information object.” Although Applicants have cancelled Claim 20 without prejudice, this limitation from former Claim 20 has been added to amended independent Claim 17 as “the connection component supplementing the first sub-profile information object with the second item of profile information to form a second sub-profile information object.” This limitation of current Claim 17 and the previous limitation of cancelled Claim 20 are the same in scope.

each of which has different claimed features. The Examiner has not clearly articulated how the disclosure of *Yanosy* discloses these separate components, if it does at all. Because the Examiner has not indicated that any structure disclosed in *Yanosy* equates with the claimed “connection component,” Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness, which requires that the references cited disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

In addition to the foregoing, Applicants submit that a fair reading of *Yanosy* reveals that it does not disclose the features recited in amended independent Claim 17. For example, *Yanosy* at least fails to disclose “the connection component supplementing the first sub-profile information object with the second item of profile information to form a second sub-profile information object.” The Examiner appears to conclude that *Yanosy*’s “edit profile” discloses this limitation. (Office Action, Page 6.) Applicants respectfully disagree. Again, it is unclear what structure in *Yanosy* the Examiner considers to be the claimed “connection component.” Whatever that structure is, however, in order to render Claim 17 obvious, the structure in *Yanosy* corresponding to the claimed “connection component” (if any) must “supplement[] the first sub-profile information object with the second item of profile information to form a second sub-profile information object.” *Yanosy*’s “edit profile” is created by the user of the mobile device—i.e., it is created at the mobile device itself—and is then sent to the knowledge base. (*Yanosy*, [0044] (“At 1408, the user edits the CC/PP profile 101 based upon the directory of sharable resource from the knowledge base 126 and the edited CC/PP profile 101 is forwarded thereto . . .”).) The “edit profile” is not altered or otherwise changed after it is created/edited at the mobile device.

One of ordinary skill would not equate *Yanosy*’s mobile terminal with the claimed “connection component” because independent Claim 17 specifically requires a “terminal of a user.” Because the “edit profile” is created/edited at the mobile terminal and because the mobile terminal cannot be the claimed “connection component,” *Yanosy* simply does not disclose “the connection component supplementing the first sub-profile information object with the second item of profile information to form a second sub-profile information object.”

For at least the foregoing reasons, Applicants submit that neither *Kauhanen* nor *Yanosy*, separately or combined, disclose, teach, or suggest all of the limitations recited in

amended independent Claim 17. Thus, Applicants request that the rejection of Claim 17 be withdrawn. Applicants submit that dependent claims 19 and 21-32 are allowable at least to the extent Claim 17 is allowable. Thus, Applicants respectfully request reconsideration and allowance of the dependent claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §§ 102(e) & 103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**Claims 33, 34, and 36**

Claims 33, 34, and 36 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,330,542 issued to Timo Kauhanen et al ("*Kauhanen*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Specifically, amended independent Claims 33 and 34 recite limitations similar to those discussed above with respect to amended independent Claim 17. Thus, for the same reasons discussed above, Applicants request withdrawal of the rejection of Claims 33 and 34. Applicants submit that dependent Claim 36 is allowable at least to the extent Claim 34 is allowable. Thus, Applicants respectfully request reconsideration and allowance of dependent Claim 36. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §§ 102(e).

**CONCLUSION**

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant respectfully submits a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of \$130.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicant believes no other fees are due. However, should the Commissioner deem that any additional fees are due, including any fees for additional extensions of time, the Commissioner is hereby authorized to debit such fees from Deposit Account No. 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512-457-2030.

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